Ninety-ninth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twenty-first day of January, one thousand nine hundred and eighty-six

An Act

To provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 1986".

(b) TABLE OF CONTENTS.—

SEC. 2. DEFINITION OF SECRETARY.

For purposes of this Act, the term "Secretary" means the Secretary of the Army.

TITLE I—COST SHARING

SEC. 101. HARBORS.

(a) CONSTRUCTION.—

(1) PAYMENTS DURING CONSTRUCTION.—The non-Federal interests for a navigation project for a harbor or inland harbor, or any separable element thereof, on which a contract for physical construction has not been awarded before the date of enactment of this Act shall pay, during the period of construction of the project, the following costs associated with general navigation features:

(A) 10 percent of the cost of construction of the portion of the project which has a depth not in excess of 20 feet; plus

(B) 25 percent of the cost of construction of the portion of the project which has a depth in excess of 20 feet but not in excess of 45 feet; plus

(C) 50 percent of the cost of construction of the portion of the project which has a depth in excess of 45 feet.

(2) ADDITIONAL 10 PERCENT PAYMENT OVER 30 YEARS.—The non-Federal interests for a project to which paragraph (1) applies shall pay an additional 10 percent of the cost of the general navigation features of the project in cash over a period

f appropriate Federal agencies, shall conduct a study to deter- the impact of the port use tax imposed under section 4461(a) of nternal Revenue Code of 1954 on potential diversions of cargo particular United States ports to any port in a country contig- to the United States. The report of the study shall be submitted e Ways and Means Committee of the House of Representatives he Committee on Finance of the United States Senate not later 1 year from the date of the enactment of this Act.

REVIEW.—The Secretary of the Treasury may, at any time, w and revise the findings of the study conducted pursuant to ection (a) with respect to any United States port (or to any action or class of transactions at such port).

IMPLEMENTATION OF FINDINGS.—For purposes of section dX2XB) of the Internal Revenue Code of 1954, the findings of tudy or review conducted pursuant to subsections (a) and (b) of ection shall be effective 60 days after notification to the ports erned.

Thomas P. O'Neill Jr.
Speaker of the House of Representatives.

Strom Thurmond
~~Vice President of the United States and~~ President of the Senate pro tempore

APPROVED
NOV 17 1986

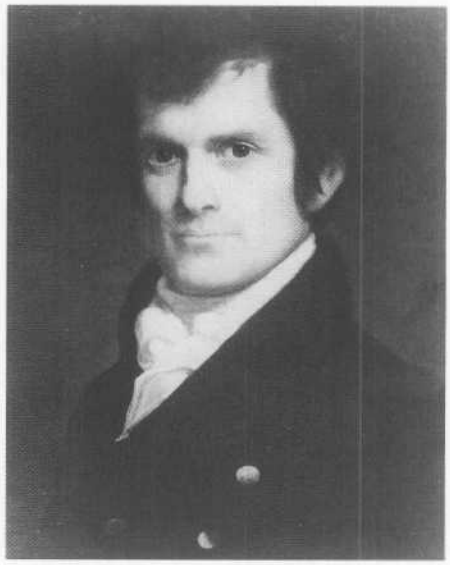
Ronald Reagan

Civil Works, Congress, and the Executive Branch

From the beginning, both Congress and the Secretary of the Army carefully monitored and guided the involvement of the Corps of Engineers in civil works projects. In fact, in 1800 it was Secretary of War James McHenry who suggested that engineer officers possess talents that serve the country not only in war but also in peacetime "works of a civil nature."

Once the Corps was permanently established in 1802, few operational and organizational changes were made without explicit authorization of the Secretary of War. Indeed, the Chief of the Engineer Department, along with the chiefs of other War Department bureaus, enjoyed direct access to the Secretary of War and protested vehemently whenever the Army Commanding General attempted to interfere with that access. Even the correspondence procedures reflected this close relationship. Mail intended for the Chief Engineer was sent under cover to the Secretary of War, with the words "Engineer Department" written on the lower left-hand corner of the envelope. Conversely, reports from the Army engineers intended for Congress were transmitted through the Secretary of War. The precise role of the Army Commanding General was not clarified until the position of Army Chief of Staff was created at the beginning of the 20th century.

Examples of early oversight activities of the secretaries of war are numerous. John C. Calhoun did not hesitate giving guidance to the Board for Internal Improvements, organized in 1824 to administer the responsibilities imposed by the General Survey Act. Charles M. Conrad transferred certain civil works responsibilities from the Topographical Engineers to the Corps of Engineers following passage of the 1852 Rivers and Harbors Act. His successor, Jefferson Davis, allowed the use of local funds to continue projects that had already received some congressional appropriations. In these and other ways, the secretaries of war profoundly influenced



U.S. Army Center of Military History

John C. Calhoun, Secretary of War (December 1817 to March 1825).

U.S. Army Center of Military History

Charles M. Conrad, Secretary of War (August 1850 to March 1853).

Extract from the Water Resources Development Act of 1986 (P.L. 99-662).

Office of History, Corps of Engineers

the organization and direction of the Army engineers.

Meanwhile, Congress also helped mold the operations and policies of the Corps of Engineers. It not only appropriated funds and authorized civil works projects, but it also specified how many officers the Corps was to have, conditions for their promotion, and even how much per diem (if any) they should earn while assigned to a project. Congress authorized oversight boards of engineer officers and determined what precise responsibilities the boards were to discharge. It requested surveys and reports, and congressional committees carefully reviewed the Corps' progress on its civil works assignments, rarely failing to call attention to a real or imagined defect in the Corps' management. The responsibility of the Engineer Department to carry out the wishes of Congress, including the development of "internal improvements," was explicitly noted in the General Regulations of the Army (1825).

After the Civil War, the congressional role in Corps affairs became even more evident. While not appreciably increasing the number of officers assigned to the Corps, Congress substantially increased the Corps' work on rivers and harbors. Consequently, the Corps was forced to depend on help from the civilian engineer community. This dependence worked to the Corps' disadvantage. Most of these engineers did not become career employees of the Corps, but the very fact of their employment helped give credibility to the charge that the Corps was unable to fulfill its civil works functions. Civil engineers maintained that they, not military engineers, should be in charge of civil works. They lobbied Congress, and their congressional sympathizers introduced numerous bills in the 1880s to transfer civil works functions from the Corps of Engineers to some other part of government; often, the preferred solution was to create a new Department of Public Works. Railroad interests, which perceived the Corps as an unfair competitor in the development of national transportation systems, wished to have the private sector do all rivers and harbors work. Pummeled from many quarters, the Corps saw its relationship with Congress become at once more dependent and more fractious.

Theodore E. Burton, representative (twelve terms) and senator (two terms) from Ohio.

Senate Historical Office

Authorizations and appropriations during this period reflected some of the worst evils of pork-barrel legislation. Projects were poorly chosen, piecemeal appropriations were commonplace, and the Corps of Engineers often gave unreliable estimates. About the turn of the century, matters briefly took a turn for the better, mainly as a result of the work of Ohio Representative Theodore E. Burton. As chairman of the Rivers and Harbors Committee, he shepherded through Congress a bill establishing the Board of Engineers for Rivers and Harbors within the Corps of Engineers to examine costs, benefits, and necessity of rivers and harbors improvements. In the 1907 Rivers and Harbors Act, Burton did not allow one new project to be added unless the entire cost of the project was appropriated and it had the express approval of the Chief of Engineers. Had this practice of avoiding piecemeal appropriations and unjustified projects continued, some of the worst examples of traditional pork-barrel legislation never would have been approved. Instead, after Burton's departure from the House in 1909, Congress quickly reverted to its old ways. The 1910 Rivers and Harbors Act appropriated funds for projects in 226 of the 391 congressional districts.

While Congress busily gave the Corps work, the secretaries of war attempted to oversee the Corps' execution of its civil works projects. This attention to Corps operations may have been a

matter of choice with some secretaries, but several rivers and harbors acts passed in the 1880s explicitly charged the Secretary of War to supervise the expenditure of appropriated funds in order, in the words of the 1884 act, to "secure a judicious and economical expenditure of said sums." The Secretary was directed furthermore to submit to Congress annual reports of work done, contracts made, and funds expended. Pursuant to these acts, the Secretary of War issued new regulations in 1887 that specifically delegated to the Chief of Engineers the responsibility to supervise "all disbursements by officers of the Corps." Slightly modified in 1889, these regulations also charged the Chief of Engineers to present to the Secretary of War an annual report of Engineer Department operations and, "with the approbation of the Secretary of War," to determine the quality, number, and physical characteristics of equipment needed by the Army engineers. The Secretary of War approved the assignment of division engineers as well as officers to serve on the board that oversaw fortifications and rivers and harbors improvements. He approved the initiation of new projects and specified the forms to be used to contract work. Moreover, he approved any modifications of the original contract. Finally, it should be noted that it was the Secretary of War, not the Chief of Engineers, whom Congress charged to have surveys done, civil works projects constructed, and rules issued to regulate federally operated canals and waterways. The work, of course, was then assigned to the Corps of Engineers.

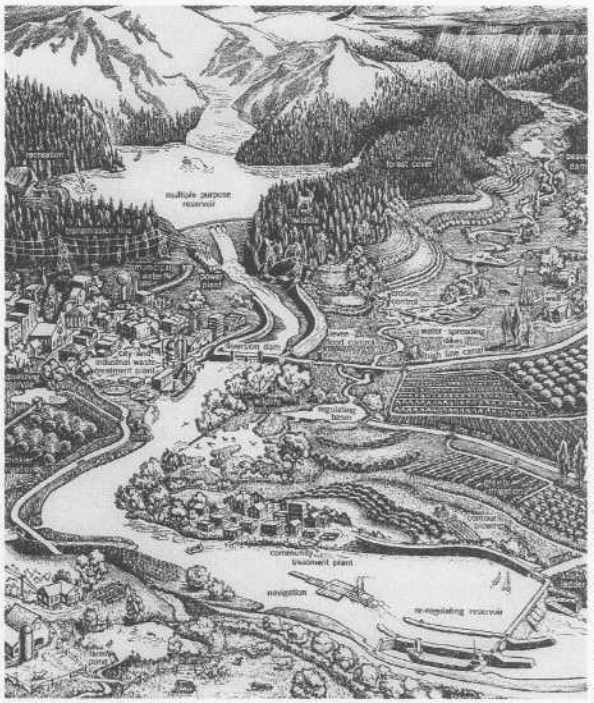
In the Progressive Era at the beginning of the 20th century, the Secretary of War's office became embroiled in the controversy over the development of multipurpose water projects. Multipurpose planners sought to develop coordinated river basin programs that responded to a wide variety of needs, including navigation, flood control, irrigation, water supply, and hydropower. The Corps of Engineers generally opposed the concept, arguing that other purposes should always be subordinated to navigation in federal projects, that multipurpose dams would be difficult to operate, and that greater coordination was not needed; existing government agencies could provide whatever coordination was required. However, multipurpose development supporters had powerful friends in Congress, especially Senator Francis G. Newlands of Nevada, who introduced legislation to establish a multipurpose water resources coordinating commission. Henry L.

Henry L. Stimson, Secretary of War (May 1911 to March 1913 and July 1940 to September 1945) and Secretary of State (March 1929 to March 1933).

U.S. Army Center of Military History

Stimson, President Taft's Secretary of War, was an avid conservationist and a former member of the board of directors of the National Conservation Association. He wholeheartedly supported the Newlands measure. So did Newton D. Baker, who served under President Wilson. Other secretaries, such as William H. Taft, who headed the War Department before he succeeded Theodore Roosevelt as President, and Lindley M. Garrison, who served in Wilson's first administration, were more sympathetic toward the Corps.

Secretary of War Stimson complained about his relationship with the Chief of Engineers. Stimson would ask the Chief whether an improvement should be made in light of other demands on the budget. Without answering the question, the Chief of Engineers, Brigadier General William H. Bixby, simply would maintain that the project would be good for the country, without comparing it with other projects or budgetary demands. Stimson pursued his point. He wanted to use a comparative approach. However, Bixby objected, "I have nothing to do with that. I cannot have anything to do with it. Congress will not listen to me on that. They reserve the judgment to do that themselves." Stimson thought the Corps was uncooperative and unresponsive, but there was some merit in the argument of the Chief of Engineers. As Newlands himself pointed out, numerous rivers and harbors acts had indeed constrained the Corps' flexibility. While the Corps had authority only to recommend a project based on its own merits, it did seem to support projects that were politically feasible and not necessarily urgently required. Also, the Corps' opposition to a more constructive, integrated, approach in water resources



Idealized view of sound water management integrating flood control, navigation, irrigation, water power, recreation, water supply, wastewater management, and soil conservation components.

A Water Policy for the American People, President's Water Resources Policy Commission, 1950.

management reflected a predictable bureaucratic concern for maintaining maximum administrative independence.

The 1925 Rivers and Harbors Act accelerated the movement toward multipurpose water management. It authorized the Corps and the Federal Power Commission to prepare cost estimates for surveys of navigable streams and tributaries "whereon power development appears feasible and practicable." The aim was to develop plans to improve stream navigation "in combination with the most efficient development of the potential water power, the control of floods, and the needs of irrigation." The Corps responded with a recommendation for 24 surveys at an estimated cost of $7.3 million. In 1927 Congress appropriated the necessary funds, whereupon the Corps launched a series of comprehensive river surveys. The resulting reports became known as the "308 reports" after the House document in which the survey estimates had first appeared. They became basic planning documents for many of the multipurpose projects undertaken by the federal government just before and after World War II. In 1935 Congress authorized the Corps to supplement the 308 reports with studies "to take into account important changes in economic factors as they occur and additional streamflow records or other factual data." This authority charged the Corps with a broad responsibility to undertake continuing river basin planning, with the emphasis on navigation and flood control.

From about 1885 to 1925, the federal presence in the daily routine of private individuals became more and more visible. Working with the executive branch, Congress attempted to control abuses that could threaten the liberty, livelihood, or health of the citizenry. To do so, it was necessary to increase the regulatory authority of various federal agencies, including the Department of War. In 1886 Congress gave the Secretary authority to regulate harbor lines. The 1890 Rivers and Harbors Act expanded the Secretary's authority to regulate and have removed any navigation obstructions, including bridges, waste material, and structures, such as dams and piers, built outside established harbor lines. In 1894 Congress authorized the War Department to regulate navigation in all federally owned canals, regardless of whether the Corps had built them or not. The 1899 Rivers and Harbors Act gave the Secretary added authority to regulate the dumping of waste material into navigable streams and the construction of any structures that might impede navigation. The 1906 General Dam Act authorized the Secretary of War to review and approve plans and specifications for all dams to be constructed across navigable waters. While, of course, most of these new responsibilities were delegated to the Corps of Engineers, in no case did Congress bypass the Secretary and grant power directly to the Chief of Engineers.

The Corps' relationship with Congress in the interwar period was extremely close. Indeed, Secretary of War George H. Dern called the Corps "an agency of the legislative branch" in a 1934 report to the President. Congress did not just establish overall water resources policy, but congressional committees also determined which projects should be funded and the extent and timing of the funding. One procedure that was used extensively was the committee review resolution, which required the Corps to reconsider reports in which it had recommended against project construction. This was a particularly popular device during the New Deal, when projects were needed for work relief as well as for navigation or flood control. For instance, only about one-third of the projects authorized in the 1935 Rivers and Harbors Act originated as favorable reports. Reports on most of the others had been modified in response to a committee review resolution. The procedure constituted a kind of quasi-legislative process that circumvented both the rest of Congress and the executive branch.

Corps Orders and Regulations directed district engineers to contact each member of Congress within their districts in order to solicit the congressman's wishes about desired rivers and harbors improvements. The congressman was also invited to testify at a public hearing dealing with the project and to present written arguments to the Board of Engineers for Rivers and Harbors,

U.S. Army Center of Military History

George H. Dern, Secretary of War (March 1933 to 1936).

which reviewed the project report. If the congressman was still dissatisfied, then he always had recourse to the committee review resolution. While this kind of relationship could have led to tension, such was not the case. Congressmen protected the Corps at the same time they pressured it. All efforts by President Franklin D. Roosevelt to centralize water resources planning and institute some Progressive Era ideas met immovable congressional (and War Department) opposition; the Corps remained the water resources agency of choice in both wings of the Capitol.

When Congress passed the 1936 Flood Control Act, officially recognizing a federal obligation in flood control activity, it expanded enormously the responsibilities of the Corps of Engineers. The law authorized the expenditure of $320 million for about 250 projects and a number of examinations and surveys. Since 1936, the Corps has built, pursuant to congressional authorizations and appropriations, over 300 reservoirs whose primary benefit is flood control.

President Roosevelt attempted to ensure interagency coordination of federal water projects. In 1939 he instructed the Departments of War, Interior, and Agriculture to cooperate with his National Resources Planning Board in drawing up a memorandum that would ensure consultation among all federal water agencies during project planning. The subsequent tripartite agreement resulted in better and more information being exchanged among the agencies; however, it completely failed to eliminate bureaucratic rivalries. Roosevelt finally gave up on developing a centralized natural resources planning organization in 1943, when Congress refused to appropriate money to keep the National Resources Planning Board in existence. However, the President continued to press one of the board's chief ideas, basin-wide planning commissions. His support of the Missouri Valley Authority reflected this commitment. A similar authority for the Columbia River basin was discussed, and Roosevelt's successor, Harry S. Truman, embraced the idea. Nevertheless, continued congressional skepticism assured that river basin commissions never would obtain the authority that Roosevelt and Truman envisioned.

Although the National Resources Planning Board was eliminated in 1943, federal agencies continued to coordinate their various responsibilities. The Departments of War, Agriculture, and Interior established the Federal Interagency River Basin Committee (FIARBC), commonly called "Firebrick." Later, the Departments of Labor and Commerce and the Federal Security Agency (which supervised the Public Health Service) joined. Various technical subcommittees attempted to coordinate water development in specific river basins, usually meeting limited success. In 1954 President Eisenhower replaced the commission with the new Interagency Committee on Water Resources (IACWR). "Icewater," as this agency became known, had minimal impact since its desire

U.S. Army Signal Corps

President Franklin Delano Roosevelt.

to strengthen executive authority elicited little interest in Congress.

The various official committees and study commissions, like the first and second Hoover Commissions, that existed in the post-World War II period mirrored an emerging consensus that rational water resources development required uniform procedures and ongoing coordination. However, executive branch committees such as Firebrick did not have the clout to be effective interagency managers. The organization in the executive branch that did seem to have the necessary visibility and bureaucratic authority was the Bureau of the Budget. Upon the dissolution of the National Resources Planning Board in 1943, President Roosevelt issued Executive Order 9384, which directed all federal public works agencies to submit to the bureau annually their updated long-range programs. The major goal seemed to be to ensure that the Bureau of the Budget had the opportunity to see how well agency long-range plans fit into the overall administrative program. Although the budget bureau attempted to create a new division to handle the review of agency programs, Congress refused to appropriate funds to hire personnel. Therefore, the bureau was forced to review the programs with existing personnel. The result was a limited review that ignored such issues as the conformance of agency water project plans with regional plans, social utility, or reliability of the cost/benefit analysis.

However, the Bureau of the Budget drafted and sent to all federal water resources agencies in December 1952 a far-reaching directive pertaining to the planning of water projects. Simply known as Circular A-47, the document stipulated that the benefits of each purpose in a multipurpose project must exceed the costs; it would no longer suffice for the total benefits to exceed total costs. It also directed that 50 years would be the maximum allowable time for the repayment of a federal investment. Although the guidance was criticized in Congress, it remained the basic planning document for the next decade and placed the Bureau of the Budget in the middle of the ongoing debate over water resources planning.

The Eisenhower administration attempted to place individual projects in the context of other national priorities and was generally skeptical of massive dam-building projects. The Bureau of the Budget generally looked far more favorably at smaller urban flood control projects. Moreover, budget personnel advocated reducing the planning period if at all possible in order to move ahead with actual construction. Of course, Congress could and often did insert projects into bills that not only had not received bureau approval, but had not even been recommended by the Corps of Engineers. For instance, a 1956 bill vetoed by Eisenhower would have authorized 32 projects that had not been reviewed by the Corps. A 1958 bill, also vetoed, would have authorized four projects, costing $27 million, that had no project reports and another three projects, costing $115 million, that had a negative cost/benefit ratio. In 1959 Congress passed a bill over a presidential veto. Eisenhower had disapproved the bill because of the expense involved, some $800 million.

The history of federal water resources development in the third quarter of the 20th century has two general themes: the growing influence of the Bureau of the Budget over water policy on the one hand and, on the other, the continuation of pork-barrel politics to determine actual project authorizations. Despite the budget bureau's occasion-

ally successful efforts to convince the President to veto a "budget-busting" bill, in general Congress got its way. The bureau could delay projects by not including them in the budget submissions to Congress or by impounding funds for congressional new starts. However, the funds would often be made available in short order, and Congress would insert the projects it desired when it rewrote the administration budget. Congress attempted to conceal the final cost of projects by voting appropriations on a year-to-year basis. Rarely were projects fully funded at the beginning. Most congressmen realized that, had full funding been attempted, large water resources projects would have become politically unpalatable.

The Bureau of the Budget's growing involvement in water resources policy, coupled with a number of highly publicized attacks on the Corps' civil works program in the decade after World War II, weakened the Corps' ability to influence policy, even though it continued to administer the largest water resources program. Complicating the problem was a lack of leadership in this area at the secretarial level. In the immediate post-World War II period, first the Department of War and then (after July 1947) the Department of Army considered civil works as somewhat of a wayward waif within the country's military structure. In fact, the secretaries of the Army were quite content to leave such matters as dams, floodwalls, and levees to the Corps and its friends on Capitol Hill. Within the Army's senior bureaucracy, civil functions were bounced from office to office.

Office of History, Corps of Engineers

Eugene W. Weber, Deputy Director of Civil Works for Policy, Office of the Chief of Engineers. Weber chaired the board that reviewed the entire civil works program and was an influential civil works policy maker in the post-World War II period.

In 1950 Secretary of the Army Gordon Gray placed civil works under the newly created Assistant Secretary of the Army, General Management. When the holder of that position, Karl Bendetsen, became the Under Secretary of the Army in May 1952, the civil works responsibility moved with him. Some two years later, Congress raised the number of assistant secretaries in the military departments from two to four, and civil works was attached to the new Office of the Assistant Secretary of the Army, Civil-Military Affairs. However, that office was eliminated in 1958, and civil works was attached to the Office of the Assistant Secretary of the Army, Manpower and Reserve Affairs. This change reflected the clout of Dewey Short, who had moved from Secretary for Civil-Military Affairs to Secretary for Manpower and Reserve, rather than any sound administrative policy.

The waif continued to be shuttled around the hallways of the Pentagon in succeeding years. During

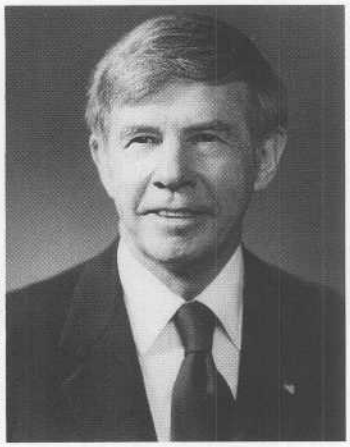
the Kennedy administration, it found a home in the General Counsel's office, and the General Counsel obtained a second title, Special Assistant to the Secretary for Civil Functions. For a while, too, the title of Special Assistant to the Secretary for Civil Functions passed to the Deputy Under Secretary of the Army for International Affairs, Harry McPherson. McPherson observed that overseeing the Corps of Engineers "was an exercise in amiable futility." Although, like other military organizations in the United States, McPherson continued, the Corps was under civilian control, "in its case the controlling civilians were on the Hill" rather than in the Pentagon. Nevertheless, when Alfred B. Fitt became the General Counsel in 1964, he decided to be the Special Assistant in fact as well as in name.

At about the same time that Fitt became General Counsel, Secretary of the Army Cyrus Vance established a small, three-man board to review the entire civil works program. One of the board's major findings was that the Secretary of the Army should "participate personally and through his Secretariat" in water resources matters that involved participation by secretaries in other agencies of the executive branch. Board members specifically called for the creation of an assistant secretary of the Army "with responsibilities primarily for the civil works mission." Clearly, the board believed that interagency coordination and the growth of the civil works budget relative to the national budget required secretarial-level overview. Since the Secretary of the Army needed to give priority to more traditional military responsibilities, the obvious solution was to create an additional assistant secretary position. Of course, this required legislative authorization, but it appears that the board was reasonably confident such authorization could be obtained. They suggested in their report that "sources outside the Army" had advocated the creation of a new Assistant Secretary for Civil Works position, and it seems likely that at least some of these sources were representatives and senators.

Another factor that contributed to the momentum to establish the position of Assistant Secretary for Civil Works was the 1965 decision of the President Lyndon B. Johnson to initiate the Planning, Programming, Budgeting (PPB) System throughout the federal agencies. First advanced by Secretary of Defense Robert McNamara in the Pentagon, the program was designed to allow for closer oversight of executive programs. While few federal agencies reacted enthusiastically to the presidential order, one that did was the Army's Office of Civil Functions. In 1965 Fitt established a Systems Analysis Group to develop new procedures for preparing the civil works budget and to draft a long-range water investment program for the nation. Group members proposed to shift emphasis from individual projects—the details of which were familiar only to the members of Congress directly concerned—to water resources problems in the various regions of the nation. Under Robert E. Jordan III, Army General Counsel and Special Assistant to the Secretary of the Army for Civil Functions, the Systems Analysis Group perfected a budgeting system and a five-year investment program based on regional allocations. This new approach was firmly installed in the Corps. Ultimately, however, neither the Bureau of the Budget nor Congress proved capable of shedding the project-by-project orientation in favor of a more programmatic approach to civil works budgeting. Still, the creation by Fitt and the use by Jordan of the Systems Analysis Group initiated an oversight and broadening of the Corps' civil works program that was far removed from the benign neglect of the preceding decade, and it presaged the establishment of the position of Assistant Secretary for Civil Works.

Utah Senator Frank E. Moss' attempt to establish a Department of Natural Resources, which would have included the Corps' civil works functions, and the nearly successful attempt in 1968 to put a congressional moratorium on public works projects signified the gradual dissolution of the Corps' traditionally strong water resources constituency in Congress. Under Jordan and with the powerful support of Jordan's capable successor, Under Secretary of the Army Thaddeus Beal, the Systems Analysis Group pressed for new Corps missions: wastewater management and urban studies. While these initiatives failed to produce new construction responsibilities for the Corps, the experience showed that a secretarial-level political appointee who focused on civil works would be of enormous benefit. He could help strengthen planning and review functions within the Corps and, concurrently, give the Corps more clout within the executive branch, such as in the interdepartmental Water Resources Council, established in 1965.

Finally, mainly through the efforts of California Representative Don Clausen, a section was inserted in the 1970 Flood Control Act that authorized the position of Assistant Secretary of the Army, Civil Works. However, it was to be another five years before the first Assistant Secretary was appointed. This was largely because President Richard Nixon supported the creation of a new Department of Environment and Natural Resources



DOD Still Media Records Center

Victor V. Veysey, Assistant Secretary of the Army for Civil Works (March 1975 to January 1977).

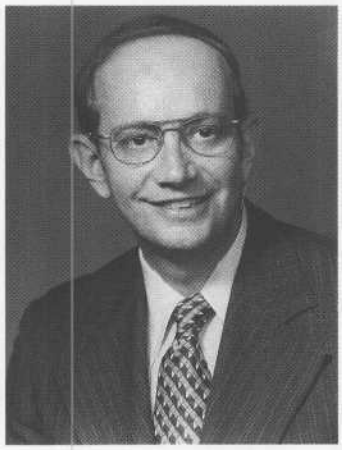
and did not wish to do anything that appeared to strengthen the Corps' civil works mission. Finally, on March 20, 1975, Victor V. Veysey, a former Representative from California, was sworn in as the first Assistant Secretary of the Army for Civil Works. He served until January 1977.

As the first Assistant Secretary of the Army for Civil Works, Veysey had the difficult task of defining both his mission and his relationship with the Corps of Engineers. His approach was to act the "honest broker" between the Corps and other organizations involved with water resources; it was an approach that succeeding secretaries emulated. While working to be a conduit between the Corps and its environmental opponents, Veysey never lost the high respect he had for the Corps. He acted forcefully on certain issues, but he looked upon his role primarily as an advisory one. "I wasn't about to order the Chief of Engineers to do anything because I couldn't; that wasn't my role. He takes his orders from the Army Chief of Staff. But influence, yes. We could try to influence him in directions and in policy, procedure, and so forth. . . . But from the post of Assistant Secretary you don't order the Chief of Engineers to do anything."

President Jimmy Carter, who questioned the necessity of many water projects and emphasized environmental concerns, did not appoint an Assistant Secretary until April 1978. He chose Michael Blumenfeld, who also served as Deputy Under Secretary of the Army. Blumenfeld was not confirmed as Assistant Secretary until April 1979. Working through the Water Resources Council, he exerted strong leadership to develop new, environmentally sensitive principles and standards to guide the planning of water projects.

With the transfer of power from a Democratic to a Republican administration in 1981 came new water resources priorities. The new Assistant Secretary for Civil Works, William R. Gianelli, had formerly headed California's Department of Water Resources under then Governor Ronald Reagan. His objectives were to reform the regulatory program and to develop new ways to fund the Corps' water resources projects.

Both objectives reflected political and philosophical shifts. Gianelli considered the Corps' responsibility to regulate the dredging and filling of wetlands a water quality issue and not a mandate to protect wetlands. He changed regulatory procedures to shorten the processing time, partly by limiting the traditional way of appealing permit decisions. He also led early Reagan administration efforts to reduce the federal financial burden in activities that he believed nonfederal interests could and should fund.



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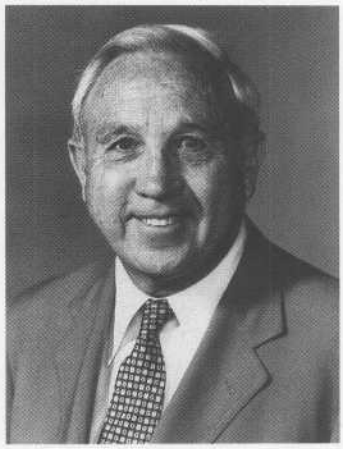
Michael Blumenfeld, Assistant Secretary of the Army for Civil Works (April 1979 to January 1981).



U.S. Army Audiovisual Center

William R. Gianelli, Assistant Secretary of the Army for Civil Works (April 1981 to May 1984).

Office of History, Corps of Engineers

Robert K. Dawson, Assistant Secretary of the Army for Civil Works (December 1985 to May 1987).

Gianelli's work, together with an unexpected positive response by project sponsors, helped convince Congress that some sort of cost-sharing was necessary if sound water projects were to proceed. It fell to Gianelli's successor, Robert K. Dawson (appointed Acting Assistant Secretary in May 1985), working with Congress, to bring the process to a successful conclusion. The Water Resources Development Act of 1986, signed into law on November 17, 1986, signaled a major historical change in the financing of water projects. Cost-sharing became part of nearly every water project venture. At the same time, the act authorized about 300 new water projects and numerous studies at an estimated cost of over $15 billion.

Under Dawson's successor, Robert W. Page, the Corps ad-

The White House

President Ronald Reagan signing the Water Resources Development Act of 1986. Members of the 99th Congress present (from the left) are Senators Pete V. Domenici (Water Resources Subcommittee, Environment and Public Works Committee), Lloyd Bentsen (Ranking Minority Member, Environment and Public Works Committee), James Abdnor (Chairman, Water Resources Subcommittee, Environment and Public Works Committee), Daniel Patrick Moynihan (Ranking Minority Member, Water Resources Subcommittee, Environment and Public Works Committee), and Robert T. Stafford (Chairman, Environment and Public Works Committee), Representative Robert A. Roe (Chairman, Water Resources Subcommittee, House Committee on Public Works and Transportation), John O. Marsh, Jr. (Secretary of the Army), Representative James J. Howard (Chairman, House Committee on Public Works and Transportation), Robert K. Dawson (Assistant Secretary of the Army for Civil Works), Representative Mario Biaggi (Vice Chairman, House Committee on Merchant Marine and Fisheries), Representative Helen Delich Bentley (Water Resources Subcommittee, House Public Works and Transportation Committee), and Representative Arlan Stangeland (Ranking Minority Member, Water Resources Subcommittee, House Public Works and Transportation Committee).

dressed a wide range of subjects to make project development—from planning through construction—more efficient, faster, and cheaper without sacrificing quality. The Corps rewrote planning procedures to ensure that nonfederal project sponsors, principally states and local communities, were full partners in project development.

After Page left office in October 1990, his position was not filled until July 1991, when Nancy Dorn became the first female Assistant Secretary of the Army for Civil Works. Perhaps more than her predecessors, Dorn was conservative about seeking new missions. She emphasized instead effective management of the Corps' existing missions.

Under secretaries Dorn and Page, the Corps undertook major reforms of the wetlands regulatory program. Policy guidance and changes in interagency agreements gave the Corps more authority in regulating the dredge and fill program assigned to the agency in the 1972 Clean Water Act. Strict time frames and guidelines were adopted governing other agencies' input to permit actions. Progress was made to ensure that agencies used the same definitions and standards to determine wetland jurisdictions.

With the change in administrations in January 1993, Dorn left office. After a prolonged period in which acting assistant secretaries served, H. Martin Lancaster became the first Assistant Secretary for Civil Works in the Clinton administration. Lancaster sought to reduce the time and cost of Corps studies and expand engineering and construction management opportunities for the Corps through its reimbursable Support for Others Program. The new Assistant Secretary, a former member of Congress from North Carolina, improved communications with Congress and provided consistent support for the administration's environmental initiatives, especially the restoration of the Everglades and South Florida ecosystem.

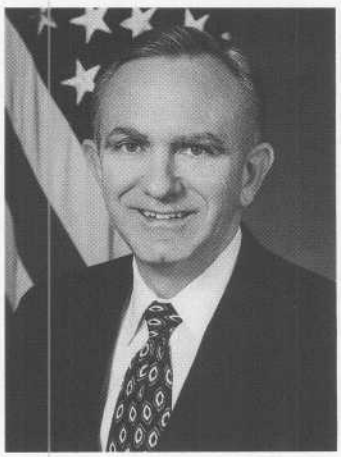
Acting through the Assistant Secretary's office, the Secretary of the Army has assumed leadership of the Corps' civil works program. Although form and style vary according to administration, the Assistant Secretary helps ensure that the Corps remains the flexible, competent engineering organization that has continuously served the country for two centuries in peace and war.

U.S. Army Visual Information Center

Robert W. Page, Assistant Secretary of the Army for Civil Works (December 1987 to October 1990).

Public Affairs Office, Corps of Engineers

Nancy P. Dorn, Assistant Secretary of the Army for Civil Works (July 1991 to January 1993).



Office of History, Corps of Engineers

H. Martin Lancaster, Assistant Secretary of the Army for Civil Works (January 1996 to June 1997).